Mr APS Deol, Sr Advocate with
Mr Davinder Bir Singh, Advocate.
Mr IPS Sidhu, Sr DAG Punjab.

Cr Misc 27441 of 2007

Notice to AG Punjab.

On the asking of the Court, Mr IPS Sidhu, Sr DAG Punjab accepts notice.

The copy of the surrender-cum-bail application dated 2.6.2006 (Annexure P3) and copy of the order dated 13.6.2006 (Annexure P4) attached with the criminal misc application are taken on record.

Disposed of.

Cr Misc 18348-M of 2007

Heard counsel for the parties.

The co-accused of the petitioner namely Shamsher Singh was given the concession of bail keeping in view the fact that 60 days had lapsed after the first date fixed for recording of evidence before the trial Magistrate. Accordingly, keeping in view the provisions of Section 437(6) CrPC, the co-accused of the petitioner has been admitted to bail.

Insofar as the petitioner is concerned, it was observed by the learned Additional CJM Bathinda vide order dated 21.8.2006 (Annexure P1) that he had been evading arrest and supplementary challan had been filed. Learned counsel for the petitioner submits that in fact the petitioner had of his own moved an application dated 2.6.2006 (Annexure P3) for surrendering in the Court of learned Addl CJM Bathinda. The learned Addl CJM on 3.6.2006 (Annexure P4) on the said application sent intimation to

the SHO PS Kotwali Bathinda informing him that the petitioner had surrendered and that he may be arrested. It is not disputed that now after the first date fixed for recording the evidence, a period of 60 days has lapsed in the case of the petitioner as well.

Keeping in view the aforesaid circumstances and the fact that the petitioner has surrendered on his own. Besides, a period of 60 days has lapsed after the date fixed for recording evidence, the petitioner is also entitled to the concession of Section 437(6) CrPC.

Accordingly, the petitioner, on his furnishing personal bond and surety to the satisfaction of the learned trial Magistrate, shall be admitted to bail.

Disposed of.

3.5.2007. (S.S.SARON)
ASR JUDGE